

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

THERESA MONTURANO, Derivatively on Behalf of Nominal Defendant GROUPON, INC.,)	
)	
Plaintiff,)	
)	
vs.)	Case No. 12 C 2507
)	Judge Joan H. Lefkow
ERIC LEFKOFSKY, PETER BARRIS, KEVIN EFRUSY, MELLODY HOBSON, BRAD KEYWELL, TED LEONSIS, ANDREW MASON, and HOWARD SCHULTZ,)	
)	This document relates
)	to:
)	12 C 2682, 12 C 3217,
)	12 C 3412, 12 C 3667,
Defendants,)	and 12 C 3792
)	
and)	
)	
GROUPON, INC.,)	
)	
Nominal Defendant.)	

ORDER SETTING INITIAL CONFERENCE

It appearing that the above-numbered cases may merit special attention as complex litigation, the court ORDERS:

1. *Initial Conference.* All parties shall appear for a conference with the undersigned on June 4, 2012 at 10:00 a.m., in Courtroom 1925, United States Courthouse, 219 South Dearborn Street, Chicago, Illinois 60604.
 - (a) *Attendance.* To minimize costs and facilitate a manageable conference, parties are not required to attend the conference, and parties with similar interests are expected to agree to the extent practicable on a single attorney to act on their joint behalf at the conference. A party will not, by

designating an attorney to represent its interests at the conference, be precluded from other representation during the litigation; and attendance at the conference will not waive objections to jurisdiction, venue, or service.

- (b) *Service List.* This order is being mailed to the persons shown on Attachment I, which has been prepared from the list of counsel making appearances.

- 2. *Purposes and Agenda.* The conference will be held for the purposes specified in Fed. R. Civ. P. 16(a), 16(b), 16(c), and 26(f), and subject to the sanctions prescribed in Rule 16(f). The items listed in the *Manual for Complex Litigation* 4th, section 11.21, shall, to the extent applicable, constitute a tentative agenda. Counsel are encouraged to advise the court as soon as possible of any items that should be added to the agenda.

- 3. *Preparations for Conference*

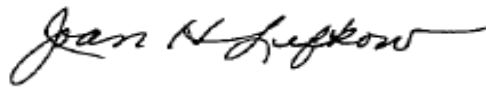
- (a) *Procedures for Complex Litigation.* Counsel are expected to be prepared at the conference to suggest procedures that will facilitate the just, speedy, and inexpensive resolution of this litigation.
- (b) *Initial Conference of Counsel.* Before the conference, counsel shall confer and seek consensus to the extent possible with respect to the items on the agenda, including a proposed discovery plan under Rule 26(f), a suggested schedule under Rule 16(b) for joinder of parties, amendment of pleadings, consideration of any class action allegations, motions, and trial, and the need for an order regarding the preservation of records. The

court designates Adam J. Levitt of Wolf, Haldenstein, Adler, Freeman & Herz LLC, Chicago, Illinois, and Anton Valukas of Jenner & Block, Chicago, Illinois, to arrange the initial meetings of plaintiffs' and defendants' counsel.

- (c) *Preliminary reports.* Counsel will submit to the court by Thursday, May 31, 2012, a brief written statement indicating their preliminary understanding of the facts involved in the litigation and the critical factual and legal issues. These statements will not be filed with the clerk, will not be binding, will not waive claims or defenses, and may not be offered into evidence against a party in later proceedings.
 - (d) *List of Pending Motions.* Counsel's statement shall list all pending motions.
 - (e) *List of Related Cases.* Counsel's statement shall list all related cases pending in state or federal court and their current status, to the extent known.
4. *Interim Measures.* Until otherwise ordered by the court:
- (a) *Pleadings.* Each defendant is granted an extension of time for responding by motion or answer to the complaint(s) until a date to be set at the conference.
 - (b) *Motions.* No motion shall be filed under Rule 11, 12, or 56 without leave of court and unless it includes a certificate that the movant has conferred with opposing counsel in a good-faith effort to resolve the matter without court action.

5. *Later Filed Cases.* This order shall also apply to related cases later filed in, removed to, or transferred to this court.

Dated: May 29, 2012

Enter: 
JOAN HUMPHREY LEFKOW
United States District Judge

ATTACHMENT 1 - SERVICE LIST

Matthew M. Houston
Harwood Feffer LLP
488 Madison Avenue
8th Floor
New York, NY 10022

Anton R. Valukas
Jenner & Block LLP
353 North Clark Street
Chicago, IL 60654

Marvin A. Miller
Miller Law LLC
115 South LaSalle Street
Suite 2910
Chicago, IL 60603

Todd C. Jacobs
Grippio & Elden
111 South Wacker Drive
Chicago, IL 60606

Adam J. Levitt
Wolf Haldenstein Adler Freeman & Herz LLC
55 West Monroe Street
Suite 1111
Chicago, IL 60603

Keith J. Keogh
Keogh Law, Ltd.
101 North Wacker Drive
Suite 605
Chicago, IL 60606

Vincent L. DiTommaso
DiTommaso - Lubin
17W 220 22nd Street
Suite 200
Oakbrook Terrace, IL 60181